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20 Attorneys for Plaintiff  
21 UNITED STATES OF AMERICA

22 UNITED STATES DISTRICT COURT  
23 CENTRAL DISTRICT OF CALIFORNIA

24 UNITED STATES OF AMERICA,

25 Plaintiff,

26 vs.

27 ARACELI MARTINEZ,  
28 a/k/a Maria Araceli Ramos de Martinez,

Defendant.

Case No.: 2:17-cv-02658

**COMPLAINT TO REVOKE  
NATURALIZATION**

**I. PRELIMINARY STATEMENT**

1. The United States of America (“Plaintiff”) brings this civil action against Defendant Araceli Martinez (“Martinez”), a/k/a Maria Araceli Ramos de Martinez, to

1 revoke and set aside the order admitting Martinez to citizenship, and to cancel her  
2 certificate of naturalization, on the ground that Martinez engaged in criminal activity  
3 before she became a naturalized citizen of the United States, and she was charged with  
4 and convicted of that criminal activity after her naturalization. Specifically, Martinez  
5 both impersonated an immigration officer and falsely promised immigration benefit  
6 assistance to aliens in exchange for thousands of dollars. Based on such conduct, she  
7 pleaded guilty to multiple counts of Obtaining Money by False Pretense, in violation of  
8 California Penal Code § 532(a).

## 9 **II. JURISDICTION, VENUE, & INTRADISTRICT ASSIGNMENT**

10 2. This is an action filed under 8 U.S.C. § 1451(a) to revoke and set aside the  
11 decision admitting Martinez to United States Citizenship and to cancel Martinez's  
12 Certificate of Naturalization No. 35052490.

13 3. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1345 and  
14 8 U.S.C. § 1451(a).

15 4. This Court has personal jurisdiction over Martinez because her last known  
16 place of residence is in this District, pursuant to U.S. Const., art. 3, § 2, cl. 1.

17 5. Venue is proper in this District under 8 U.S.C. § 1451(a) and 28 U.S.C.  
18 § 1391, because Martinez can be found in and resides in this District.

19 6. Martinez's last known residence is in Los Angeles County.

20 7. The affidavit of Maria F. Castro, Special Agent, United States Immigration  
21 and Customs Enforcement ("ICE"), an agency within the Department of Homeland  
22 Security, showing good cause for this action, as required by 8 U.S.C. § 1451(a), is  
23 attached as Exhibit A.

## 24 **III. PARTIES**

25 8. Plaintiff is the United States of America, suing on behalf of itself.

26 9. Defendant Martinez was born in Mexico, and is a naturalized United States  
27 citizen. Martinez's last known address of residence is in Bellflower, California, which is  
28 within the jurisdiction and venue of this Court.

#### IV. FACTUAL BACKGROUND

##### A. Martinez's Immigration Fraud Scheme & California State Criminal Conviction

10. Between June 2011 and March 2012, Martinez engaged in a fraudulent scheme in which she held herself out as a government employee who could assist undocumented immigrants with obtaining legal status in exchange for compensation.

11. Specifically, Martinez claimed to be and impersonated a United States immigration officer. Martinez, however, was neither then employed by nor had she previously worked for the United States government. *See* Felony Complaint & Plea Colloquy, *State v. Martinez*, No. VA125171 (Cal. Sup. Ct.) (attached as Exhibit B).

12. As a result of her fraud, Martinez received between \$2,000 and \$5,000 from each of her undocumented-immigrant victims despite failing to submit any paperwork to U.S. Citizenship and Immigration Services ("USCIS") on their behalf.

13. On or about June 4, 2012, the Los Angeles Sheriff's Department arrested Martinez based on her immigration fraud scheme.

14. On June 6, 2012, Martinez was indicted in the Superior Court of the State of California for the County of Los Angeles ("California Superior Court") on eleven counts of Obtaining Money, Labor or Property by False Pretense under California Penal Code § 532(a).

15. On September 12, 2012, Martinez pleaded guilty to and was convicted of Counts 1-4 of the indictment, all violations of California Penal Code § 532(a).

16. Specifically, Martinez pleaded guilty to counts based on conduct that occurred on August 1, 2011 (Counts 1-3) and August 20, 2011 (Count 4).

17. The California Superior Court sentenced Martinez to two years and eight months' imprisonment.

18. Following a restitution hearing on December 14, 2012, the California Superior Court also ordered Martinez to make restitution to nine of her undocumented-immigrant victims.

1 B. Martinez's Naturalization Application and Oath Ceremony

2 19. At the same time Martinez was engaged in her immigration fraud scheme,  
3 she applied to naturalize and become a U.S. citizen, maintaining that she possessed the  
4 requisite good moral character.

5 20. On or about July 8, 2011, Martinez filed a Form N-400, Application for  
6 Naturalization ("Naturalization Application"). *See* Form N-400 Application for  
7 Naturalization (attached as Exhibit C). In that application, Martinez checked "No" in  
8 response to part 10, question 15, which asked: "Have you **ever** committed a crime or  
9 offense for which you were **not** arrested?" *Id.* at 8 (emphasis in original).

10 21. On October 17, 2011, Denise Segovia, an officer with USCIS, orally  
11 interviewed Martinez regarding her Naturalization Application to determine her  
12 eligibility for naturalization.

13 22. At the beginning of the interview, Officer Segovia placed Martinez under  
14 oath.

15 23. During the interview, Officer Segovia asked Martinez, consistent with part  
16 10, question 15 of Martinez's Naturalization Application, whether she had ever  
17 committed a crime or offense for which she was not arrested.

18 24. In response, Martinez confirmed her written response, stating that she had  
19 never committed a crime or offense for which she was not arrested.

20 25. Martinez's testimony regarding her commission of a crime or offense was  
21 false.

22 26. At her naturalization interview, Martinez did not disclose her recent conduct  
23 defrauding undocumented immigrants.

24 27. In fact, at no point during the naturalization process did Martinez disclose to  
25 USCIS her recent conduct defrauding undocumented immigrants, which was then  
26 ongoing.

1        28.    Martinez signed the Naturalization Application in the presence of Officer  
2 Segovia and swore that the contents of her application were true and correct to the best of  
3 her knowledge.

4        29.    Based upon the information supplied by Martinez in her Naturalization  
5 Application, and the sworn answers she gave during her October 17, 2011 naturalization  
6 interview, USCIS approved the application.<sup>1</sup>

7        30.    Martinez received a Notice of Naturalization Oath Ceremony (“Oath  
8 Notice”), which indicated her naturalization oath ceremony would take place on April 17,  
9 2012. *See* Form N-445, Notice of Naturalization Oath Ceremony (attached as Exhibit D).

10       31.    The following instructions appear on the Oath Notice:

11                    In connection with your application for naturalization, please  
12                    answer each of the questions by checking “Yes” or “No.” You  
13                    must answer these questions the day you are to appear for your  
14                    citizenship oath ceremony. These questions refer to actions  
                         since the date you were first interviewed on your Application  
                         for Naturalization. The questions do not refer to anything that  
                         happened before the interview.

15                    After you have answered every question, sign your name, give  
16                    your address, and fill in the date and place of signing.

17                    You must bring this completed questionnaire with you to the  
18                    oath ceremony, as well as the documents indication the front,  
19                    and give them to the employee of the U.S. Citizenship and  
                         Immigration Services at the oath ceremony. You may be  
                         questioned further on your answers at that time.

20       *See* Exhibit D at 2.

21       32.    Martinez answered “No” in response to Question 3 on the back of the Oath  
22 Notice, which asked: “AFTER the date you were first interviewed on your Application  
23 for Naturalization Form N-400 . . . Have you knowingly committed any crime or offense,  
24 for which you have not been arrested.” *See* Exhibit D at 2.

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25       <sup>1</sup> USCIS initially denied Martinez’s N-400 on November 30, 2011, for lack of good moral  
26 character under 8 C.F.R. § 316.10. Martinez freely admitted during her naturalization interview that, on  
27 March 5, 2004, she was detained at the Otay Mesa port-of-entry for alien smuggling, and, on June 13,  
28 2006, she was arrested at the San Ysidro, California port-of-entry for alien smuggling. On March 16,  
2012, USCIS conducted a review hearing of Martinez’s N-400 and determined Martinez overcame the  
deficiencies described in the denial of her N-400. Plaintiff asserts that the initial denial of her  
Naturalization Application on November 30, 2011, has no bearing on the present cause of action against  
Martinez.

33. Martinez signed the Oath Notice, certifying that “each of the answers shown above were made by me or at my direction, and that they are true and correct as of the date of my naturalization ceremony.” *See* Exhibit D at 2.

34. On April 17, 2012, Martinez took the Oath of Allegiance to become a United States citizen. She was issued Certificate of Naturalization No. 35052490.

## V. GOVERNING LAW

### A. Congressionally imposed prerequisites to the acquisition of citizenship.

35. No alien has a right to naturalization “unless all statutory requirements are complied with.” *United States v. Ginsberg*, 243 U.S. 472, 474-75 (1917). Indeed, the Supreme Court has underscored that “[t]here must be strict compliance with all the congressionally imposed prerequisites to the acquisition of citizenship.” *Fedorenko v. United States*, 449 U.S. 490, 506 (1981); *see also id.* (“An alien who seeks political rights as a member of this Nation can rightfully obtain them only upon the terms and conditions specified by Congress.”) (quoting *Ginsberg*, 243 U.S. at 474)).

36. Congress has mandated that an individual may not naturalize unless that person “during all periods referred to in this subsection has been and still is a person of good moral character . . . .” *See* 8 U.S.C. § 1427(a)(3). The required statutory period for good moral character begins five years before the date the applicant files the application for naturalization, and it continues until the applicant takes the oath of allegiance and becomes a United States citizen. *Id.*

37. As a matter of law, an applicant necessarily lacks good moral character if he or she commits a crime involving moral turpitude (“CIMT”) during the statutory period and later either is convicted of the crime or admits his or her commission of the criminal activity. 8 U.S.C. § 1101(f)(3) (cross-referencing 8 U.S.C. § 1182(a)(2)(A)); 8 C.F.R. § 316.10(b)(2)(i) (providing that an applicant “shall be found to lack good moral character” if, for example, they committed and were convicted of one or more crimes involving moral turpitude).

1       38. Congress has also explicitly precluded individuals who give false testimony  
2 for the purpose of obtaining immigration benefits from being able to establish the good  
3 moral character necessary to naturalize. 8 U.S.C. § 1101(f)(6).

4       39. Further, Congress created a “catch-all” provision, which states, “[t]he fact  
5 that any person is not within any of the foregoing classes shall not preclude a finding that  
6 for other reasons such person is or was not of good moral character.” 8 U.S.C. § 1101(f).

7       40. Thus, individuals who commit unlawful acts adversely reflecting upon their  
8 moral character cannot meet the good moral character requirement, unless they prove that  
9 extenuating circumstances exist. *See* 8 C.F.R § 316.10(b)(3)(iii); 8 U.S.C. § 1101(f).

10       41. “[A] conviction during the statutory period is not necessary for a finding that  
11 an applicant lacks good moral character . . . it is enough that the offense was ‘committed’  
12 during that time.” *United States v. Zhou*, 815 F.3d 639, 644 (9th Cir. 2016) (quoting  
13 *United States v. Suarez*, 664 F.3d 655, 661 (7th Cir. 2011)).

14       42. Nevertheless, an individual who is convicted is collaterally estopped from  
15 contesting all issues necessarily decided in the criminal matter. *See Zhou*, 815 F.3d at  
16 644 (quoting *United States v. Jean-Baptiste*, 395 F.3d 1190, 1192 (11th Cir.), *cert.*  
17 *denied*, 546 U.S. 852 (2005)).

18 **B. The Denaturalization Statute**

19       43. Recognizing that there are situations where an individual has naturalized  
20 despite failing to comply with all congressionally imposed prerequisites to the acquisition  
21 of citizenship or by concealing or misrepresenting facts that are material to the decision  
22 on whether to grant his or her naturalization application, Congress enacted 8 U.S.C.  
23 § 1451.

24       44. Under 8 U.S.C. § 1451(a), this Court must revoke an order of naturalization  
25 and cancel the individual’s Certificate of Naturalization if his or her naturalization was  
26 *either*:



- i. illegally procured, *or*
- ii. procured by concealment of a material fact or by willful misrepresentation.

45. Failure to comply with any of the congressionally imposed prerequisites to the acquisition of citizenship renders the citizenship “illegally procured.” *Fedorenko*, 449 U.S. at 506.

46. Where the government establishes that the defendant’s citizenship was procured illegally or by willful misrepresentation of material facts, “district courts lack equitable discretion to refrain from entering a judgment of denaturalization.” *Fedorenko*, 449 U.S. at 517.

## VI. CAUSES OF ACTION

### COUNT I

#### **ILLEGAL PROCUREMENT OF NATURALIZATION** **LACK OF GOOD MORAL CHARACTER** **(CRIMES INVOLVING MORAL TURPITUDE)**

47. The United States re-alleges and incorporates by reference the foregoing paragraphs.

48. As discussed above, to be eligible for naturalization an applicant must show that they have been a person of good moral character for the five-year statutory period before they file a Naturalization Application, and until the time they become a naturalized United States citizen. 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1). Thus, Martinez was required to establish that she was a person of good moral character from July 8, 2006, until the date she became a U.S. citizen, on April 17, 2012 (the “statutory period”).

49. An applicant for naturalization is statutorily barred from showing that she is a person of good moral character if she commits a CIMT during the statutory period. 8 U.S.C. § 1101(f)(3); 8 C.F.R. § 316.10(b)(2)(i).

50. Martinez committed a CIMT by impersonating an immigration officer and by obtaining money in exchange for falsely promising legal status to undocumented immigrants.



53. Martinez committed that crime and the underlying fraud during the statutory period.

55. Because Martinez committed a CIMT during the statutory period, of which she was later convicted, Martinez was barred under 8 U.S.C. § 1101(f)(3) from showing that she had the good moral character necessary to become a naturalized United States citizen.

57. Because she was ineligible to naturalize, Martinez procured her citizenship illegally, and this Court must revoke her citizenship, as provided for by 8 U.S.C. § 1451(a).

**ILLEGAL PROCUREMENT OF NATURALIZATION**  
**LACK OF GOOD MORAL CHARACTER**  
**(UNLAWFUL ACTS)**

9

1           59. As noted above, to be eligible for naturalization an applicant must show that  
2 she has been a person of good moral character for the five-year statutory period before  
3 she files her Naturalization Application, and until the time she becomes a naturalized  
4 United States citizen. 8 U.S.C. § 1427(a)(3).

5           60. As set forth above, Martinez defrauded undocumented immigrants, which  
6 resulted in her conviction for Obtaining Money, Labor or Property by False Pretense in  
7 violation of California Penal Code § 532(a).

8           61. On September 12, 2012, Martinez pleaded guilty to and was convicted of  
9 that crime in California Superior Court.

10          62. Also as set forth above, Martinez conducted her fraud and obtained money  
11 from undocumented immigration by impersonating a federal employee, in violation of 18  
12 U.S.C. § 912.

13          63. Specifically, on or about August 1, 2011, and August 20, 2011, Martinez  
14 falsely assumed and pretended to be an officer or employee of the United States acting  
15 under the authority thereof, that is an immigration officer, and in such assumed and  
16 pretended character demanded and falsely obtained at least \$20,000.00, in violation of 18  
17 U.S.C. § 912.

18          64. Martinez committed those crimes and the underlying fraud during the  
19 statutory period.

20          65. Martinez has not established, and cannot establish, extenuating  
21 circumstances with regard to fraudulent conduct underlying her conviction under  
22 California Penal Code § 532(a) and her impersonation of a federal employee or officer,  
23 and she therefore cannot avoid the regulatory bar on establishing good moral character  
24 found in 8 C.F.R. § 316.10(b)(3)(iii).

25          66. The regulatory “unlawful acts” bar on establishing good moral character  
26 found in 8 C.F.R. § 316.10(b)(3)(iii) applies to Martinez regardless of whether the  
27 statutory CIMT bar (set forth in Count I) also applies to her.  
28





1           81.     Martinez thus procured her naturalization by willful misrepresentation and  
2 concealment of material facts. This Court must therefore revoke her citizenship pursuant  
3 to the requirements of 8 U.S.C. § 1451(a).

4                                   **PRAYER FOR RELIEF**

5           **WHEREFORE**, Plaintiff, the United States of America, respectfully requests:

6           1.     A declaration that Martinez procured her citizenship illegally;

7           2.     A declaration that Martinez procured her citizenship by concealment of  
8 material facts and by willful misrepresentation;

9           3.     Judgment revoking and setting aside the order admitting Martinez to  
10 citizenship and canceling Certificate of Naturalization No. 35052490, effective as of the  
11 original date of the order and certificate, April 17, 2012.

12          4.     Judgment forever restraining and enjoining Martinez from claiming any  
13 rights, privileges, benefits, or advantages under any document which evidences United  
14 States citizenship obtained as a result of her April 17, 2012 naturalization;

15          5.     Judgment requiring Martinez to immediately surrender and deliver her  
16 Certificate of Naturalization, and any copies thereof in her possession or control (and to  
17 make good faith efforts to recover and then surrender any copies thereof that he knows  
18 are in the possession or control of others) to the Attorney General, or his representative,  
19 including undersigned counsel;

20          6.     Judgment requiring Martinez to immediately surrender and deliver any other  
21 indicia of United States citizenship, including, but not limited to, United States passports,  
22 voter registration cards, and other voting documents, and any copies thereof in her  
23 possession or control (and to make good faith efforts to recover and then surrender any  
24 copies thereof that she knows are in the possession of others) to the Attorney General, or  
25 his representative, including undersigned counsel; and

26          7.     Judgment granting the United States such other relief as may be lawful and  
27 proper in this case.  
28

1 DATED: April 7, 2017

Respectfully submitted,

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<sup>2</sup> This complaint was prepared with the substantial assistance of Ruth Ann Mueller, a legal intern from The Catholic University of America, Columbus School of Law.